REMARKS

Claims 1 through 58 were pending. With this Amendment, claims 31, 36, and 42 through 58 are cancelled without prejudice to the subject matter set forth therein. With this Amendment, independent claim 1 is pending, with claims 2 through 21 depending therefrom. Independent claim 22 is pending with claims 23 through 30 and 32 through 35 depending therefrom. Independent claim 37 is pending with claims 38 through 41 depending therefrom.

Claims 1 through 4, 15, and 16 stand rejected as obvious in view of Jacobsen '394 and Seroussi '843, as set forth in sections 6 and 7 of the Office Action. Claims 22, 25, 26, and 31 through 35 stand rejected as obvious in view of the combination of Phipps '231 in view of Traxler '240, as set forth in section 8 of the Office Action. Claims 37 through 40 stand rejected under § 102(e) in view of Phipps '231, as set forth in section 5 of the Office Action. Finally, claim 41 stands rejected as obvious in view of Phipps '231 and Lylle '376, as set forth in section 8 of the Office Action. It is respectfully submitted that all of the claims as amended and presented herein patentably distinguish over the combination of cited references for at least the reasons set forth below.

Independent claim 1 is amended herein to more positively set forth certain features of the claimed system. Claim 1 calls for the monitoring system to include at least one bio-sensor associated with a body and configured to generate sensor data related to at least one body parameter. The first computer is in communication with the bio-sensor and is configured to retrieve the sensor data therefrom. The system includes at least one electronic tag scanning device configured to retrieve environmental data stored in electronic tags that are associated with items within the environment. At least one electronic tag scanning device is provided and is either

adapted to be mounted on the monitored body, attached to the body, or carried by the body. The environmental data that is stored in the electronic tags relates to a static characteristic of the associated item that it relevant to interpretation of the bio-sensor data. Finally, the system calls for a memory for storing the sensor data and the environmental data, with the memory being a volatile memory or a non-volatile memory.

An example of a system in accordance with claim 1 is explained in the specification at pages 14 and 15 with respect to a patient's blood pressure, wherein the blood pressure measurement is the bio-sensor data detected by the bio-sensor in communication with a computer. Standing alone, the bio-sensor data merely indicates the patient's blood pressure at the particular point in time when the reading was taken. However, by also detecting and recording environmental data relating to the time and location of the patient when the readings were taken, the physician is presented with extremely useful information in diagnosing any abnormal blood pressure readings. For example, many patients become apprehensive when visiting a doctor's office ("white coat syndrome"). Such apprehension may cause elevated blood-pressure levels each time a patient undergoes a medical exam. Under these conditions, and without access to both the bio-sensor data and related environmental data that indicates that the patient is in a medical facility, or the like, a physician may unnecessarily treat a patient for hypertension.

The environmental data can be contained in the form of stored information in electronic tags that are associated with the medical facility. For example, these tags may be at any physical location where the patient is examined and simply contain information that indicates the physical presence of the monitored body in a medical facility at the time of the blood pressure reading from the bio-sensor. By correlating

the environmental data with the blood pressure readings over time, a physician can readily determine if the environmental data indicates that the blood pressure readings were affected by the patient's environment at the time the readings were taken.

The system and method according to Jacobsen '394 is fundamentally different from that set forth in independent claim 1. Jacobsen '394 discloses that various sensors may be included in the system for detecting environmental conditions. For example, at column 11, lines 28 through 40, the patent describes that the unit 50 may include a relative humidity sensor 300, an environmental temperature sensor 302, and other sensors 304. However, all of these devices are actual monitoring and sensing devices that must detect and transmit their monitored conditions to the control unit 50. These sensors do not incorporate an electronic tag that stores environmental data related to a static characteristic of the associated item to which the tag is attached, as called for in claim 1. Humidity and temperature are not static conditions of the environment, and do not constitute static data that is pre-written into the electronic tags. The system of Jacobsen '394 does not teach or suggest of an electronic tag scanning device that retrieves the stored, static environmental data from passive electronic tags that are externally triggered by the tag scanning device, or another external device, in order to transmit data to the scanning device. With the system according to Jacobsen '394, the portable equipment carried by the soldier must include active sensing devices, such as temperature and relative humidity sensing devices, in order to provide environmental data. This type of system would be relatively complicated, expensive, and not readily suitable for most medical commercial purposes.

On the other hand, with the system of claim 1, the electronic tags are simply placed or positioned in different environments in which the monitored body interacts, such as a patient's home, work place, medical facility, and the like. The tags are in a dormant inactive state until externally triggered in order to transmit their data. Thus, controlled monitored environments can be readily established at minimal cost to the patient and healthcare provider.

Seroussi '843 was cited as disclosing a memory that is volatile and non-volatile. However, this disclosure does not remedy the deficiencies discussed above with respect to the base reference Jacobsen '394 as it relates to the system of claim 1. Accordingly, it is respectfully submitted that independent claim 1 defines over Jacobsen '394 alone or in combination with any other reference of record and is therefore allowable. Claims 2 through 21 only further patentably distinguish the system of claim 1 and are thus also allowable.

Independent claim 22 is also amended herein to further call for at least one bio-sensor associated with the monitored body and configured to generate sensor data for at least one monitored parameter. The first computer is in communication with the bio-sensor and is configured to retrieve the sensor data from the bio-sensor and to store the sensor data in memory. The stored environmental data stored in the electronic tags associated with items within the monitored body environment relates to a static characteristic of the associated item that is relevant to interpretation of the bio-sensor data.

It is respectfully submitted that independent claim 22 defines over the combination of Phipps '231 and Traxler '240. In particular, the base reference Phipps '231 does not disclose a system wherein environmental data electronically stored in a tag device is retrieved by an electronic tag scanning device emitting a

trigger signal that causes the tag to transmit a static characteristic of an item in the environment to which the electronic tag is attached or otherwise associated. With the system of Phipps '231, the "environmental data" is a GPS coordinate. As explained at column 4, lines 6 through 18, the personal data unit (PDU) 14 constantly receives communications from GPS satellites 24. If the monitoring device 16 detects a certain characteristic, such as loss of pulse, it triggers the PDU 14 to take action in accordance with defined instructions. One action may be, for example, to issue an emergency page or call that indicates the patient's location from the GPS signal. Thus, as essentially explained above with respect to the Jacobsen '394 reference, the system of Phipps '231 does not rely on interrogation of electronic tag devices that are located within an environment in which the patient or monitored body is located. A monitored body's position via GPS is a constantly changing non-static condition, and the system of Phipps '231 must thus incorporate a GPS receiver for constantly receiving the GPS positioning signals. The system does not rely on interrogation of electronic tag devices associated with the patient's environment in order to determine the patient's location. Traxler '240 does not rectify the deficiencies noted with respect to Phipps '231.

Accordingly, it is respectfully submitted that independent claim 22 is allowable over the cited references. Claims 23 through 30 and 32 through 35 only further patentably define the invention of claim 22 and are thus also allowable.

Independent claim 37 is amended herein to further call for the electronic tag scanning device associated with the monitored body to be configured to receive electronic tag transmissions. These transmissions include environmental data that is stored in electronic tags associated with items within the monitored body's environment. This stored environmental data relates to a static characteristic of the

associated item that is relevant to interpretation of the bio-sensor data. As explained above with respect to independent claim 22, the system and method of Phipps '231 does not utilize this configuration of an electronic tag scanning device and electronic tags associate with items in a monitored body's environment. Accordingly, it is respectfully submitted that independent claim 37 is allowable over Phipps '231 for essentially the reasons set forth above with respect to claim 22. Claims 38 through 41 only further patentably define the system of claim 37 and are thus also allowable.

With the present Amendment, it is respectfully submitted that all pending claims are allowable and that the application is in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at her convenience should she require any additional information or to further discuss the application.

Respectfully submitted,

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